

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 585

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OWEN.

1223H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 408.145, RSMo, and to enact in lieu thereof one new section relating to credit cards.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 408.145, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 408.145, to read as follows:

408.145. 1. To encourage competitive equality, lenders issuing credit cards in this state pursuant to the authority of section 408.100 or 408.200~~[,]~~ may ~~[in addition to lawful interest, contract for, charge and collect fees for]~~ **issue** such credit cards ~~[which]~~ **under such terms and conditions that** any lender in any contiguous state is permitted to ~~[charge]~~ **utilize** for credit cards issued in such contiguous state by such state's statutes. State-chartered lenders ~~[charging such fees]~~ **issuing credit cards** in reliance on this subsection shall file a copy of the pertinent statutes of one contiguous state authorizing credit card ~~[fees]~~ **terms and conditions** with the director of finance or such lender's principal state regulator. The director of finance or other principal state regulator shall, within thirty days after receipt of the filing, approve or disapprove of such ~~[fees]~~ **terms and conditions** on the sole basis of whether the statutes of such contiguous state permit such ~~[fees,]~~ **terms and conditions** and without regard to the restrictions placed upon credit cards by subsection 2 of this section. When the lender is chartered by the federal government, or any agency thereunder, or is unregulated, such lender shall file with and be approved by the Missouri attorney general under the same provision as provided a state-chartered lender.

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 2. "Credit card" as used in this section shall mean a credit device defined as such in
17 the federal Consumer Credit Protection Act and regulations thereunder, except:

18 (1) The term shall be limited to credit devices which permit the holder to purchase
19 goods and service upon presentation to third parties whether or not the credit card also
20 permits the holder to obtain loans of any other type; and

21 (2) Such credit device shall only provide credit which is not secured by real or
22 personal property.

23 3. "Lender" as used in this section shall mean any category of depository or
24 nondepository creditor. Notwithstanding the provisions of ~~[section 408.140]~~ **sections**
25 **408.100 to 408.190 to the contrary**, the lender shall declare on each credit card contract
26 whether the credit card ~~[fees are governed by section 408.140, or by]~~ **is issued pursuant to**
27 this section.

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